

1 WRIGHT, FINLAY & ZAK, LLP
2 Darren T. Brenner, Esq.
3 Nevada Bar No. 8386
4 Lindsay D. Robbins, Esq.
5 Nevada Bar No. 13474
6 7785 W. Sahara Ave., Suite 200
7 Las Vegas, NV 89117
8 (702) 637-2345; Fax: (702) 946-1345
9 lrobbins@wrightlegal.net

Attorneys for Plaintiff, The Bank of New York Mellon Trust Company, N.A. f/k/a The Bank of New York Trust Company, N.A. as successor-in-interest to JPMorgan Chase Bank N.A. f/k/a JPMorgan Chase Bank, as Trustee for MASTR Adjustable Rate Mortgages Trust 2004-9, Mortgage Pass-Through Certificates, Series 2004-9

10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 THE BANK OF NEW YORK MELLON
13 TRUST COMPANY, N.A. F/K/A THE BANK
14 OF NEW YORK TRUST COMPANY, N.A.
15 AS SUCCESSOR-IN-INTEREST TO
16 JPMORGAN CHASE BANK N.A. F/K/A
17 JPMORGAN CHASE BANK, AS TRUSTEE
18 FOR MASTR ADJUSTABLE RATE
19 MORTGAGES TRUST 2004-9, MORTGAGE
20 PASS-THROUGH CERTIFICATES, SERIES
21 2004-9,

22 Plaintiff,

23 vs.

24 FIDELITY NATIONAL TITLE GROUP,
25 INC.; CHICAGO TITLE INSURANCE
26 COMPANY,

27 Defendants.

Case No.: 2:20-cv-01394-JCM-BNW

**STIPULATION AND ORDER TO
EXTEND TIME PERIOD TO RESPOND
TO CHICAGO TITLE INSURANCE
COMPANY'S OPPOSITION TO
COUNTERMOTION FOR PARTIAL
SUMMARY JUDGMENT [ECF No. 42]**

[Second Request]

28 Plaintiff, The Bank of New York Mellon Trust Company, N.A. f/k/a The Bank of New York Trust Company, N.A. as successor-in-interest to JPMorgan Chase Bank N.A. f/k/a JPMorgan Chase Bank, as Trustee for MASTR Adjustable Rate Mortgages Trust 2004-9, Mortgage Pass-Through Certificates, Series 2004-9 ("BONY Trustee"), and Defendant,

1 Chicago Title Insurance Company (“Chicago Title”) (collectively, the “Parties”), by and
2 through their counsel of record, hereby stipulate and agree as follows:

- 3 1. On July 27, 2020, BONY Trustee filed its Complaint [ECF No. 1-1];
- 4 2. On December 11, 2020, Chicago Title filed a Motion to Dismiss [ECF No. 31];
- 5 3. On December 24, 2020, BONY Trustee filed an Opposition to Chicago Title’s
6 Motion to Dismiss and Countermotion for Partial Summary Judgment [ECF Nos. 32
7 and 33];
- 8 4. On February 11, 2021, Chicago Title filed its Reply in Support of its Motion to
9 Dismiss and Opposition to Countermotion for Partial Summary Judgment [ECF Nos.
10 41 and 42];
- 11 5. BONY Trustee contends that it is entitled to file a response to Chicago Title’s
12 Opposition to its Countermotion for Partial Summary Judgment and that its deadline
13 to do so is March 29, 2021 [ECF No. 45];
- 14 6. BONY Trustee’s counsel is requesting a brief extension until April 2, 2021 to
15 respond to Chicago Title’s Opposition;
- 16 7. This additional extension is requested to allow BONY Trustee additional time to
17 obtain certain documents that were recorded on the Property’s title and referenced in
18 Chicago Title Opposition;
- 19 8. Counsel for Chicago Title does not oppose the requested extension to the extent that
20 a response is permitted;

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9. This is the second request for an extension which is made in good faith and not for purposes of delay.

IT IS SO STIPULATED.

DATED this 29th day of March, 2021.

DATED this 29th day of March, 2021.

WRIGHT, FINLAY & ZAK, LLP

SINCLAIR BRAUN LLP

/s/ Lindsay D. Robbins

/s/ Kevin S. Sinclair

Lindsay D. Robbins, Esq.

Kevin S. Sinclair, Esq.

Nevada Bar No. 13474

Nevada Bar No. 12277

7785 W. Sahara Ave., Suite 200

16501 Ventura Blvd, Suite 400

Las Vegas, NV 89117

Encino, California 91436

Attorneys for Plaintiff, The Bank of New York Mellon Trust Company, N.A. f/k/a The Bank of New York Trust Company, N.A. as successor-in-interest to JPMorgan Chase Bank N.A. f/k/a JPMorgan Chase Bank, as Trustee for MASTR Adjustable Rate Mortgages Trust 2004-9, Mortgage Pass-Through Certificates, Series 2004-9

Attorneys for Defendants, Fidelity National Title Group, Inc. and Chicago Title Insurance Company

IT IS SO ORDERED.

Dated March 31, 2021.


UNITED STATES DISTRICT COURT JUDGE